

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: J. Roberts  
HIROSHI TOJO )  
: Group Art Unit: 2621  
Application No.: 10/829,437 )  
:  
Filed: April 22, 2004 )  
:  
For: MOVING IMAGE PROCESSING )  
METHOD AND APPARATUS : May 28, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Office Action dated March 28, 2008, which  
required an election of one of six allegedly distinct species.

CERTIFICATE OF EFS-WEB TRANSMISSION  
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May 28, 2008  
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(Name of Attorney for Applicant)

/Michael J. Guzniczak/  
Signature

May 28, 2008  
Date of Signature

Applicant had difficulty formulating a response to the Office Action, for the reason that the identification of the six species is not understood. As one example, the Office Action lists a single figure (Figure 4) as common to three of the species, and a pair of figures (Figures 18 and 19) as common to three other species. It is not understood how the species can be distinct if they share common figures.

Moreover, many of the figures cited in the Requirement show arrangements that are common to different embodiments, as opposed to distinct. For example, Figure 2 depicts an arrangement shared in common with Figure 18. Accordingly, it is not understood how arrangements common to different embodiments support a requirement to elect between those embodiments.

Thus, it was difficult to formulate a response. Nevertheless, Applicant is mindful that a response is required. As such, Applicant hereby provisionally elects to prosecute the fourth embodiment, commencing at page 47 of the specification. Claims 1 to 23 read on this embodiment.

In addition, in view of the above, the requirement to elect is respectfully traversed, and withdrawal is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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